



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/062,655

02/01/2002

Douglas R. Domel

1006.023

4681

7590

08/10/2006

John L. Rogitz, Esq.
ROGITZ & ASSOCIATES
750 "B" Street, Suite 3120
San Diego, CA 92101

EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3634



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 10 2006

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/062,655

Filing Date: February 01, 2002

Appellant(s): DOMEL ET AL.

John Rogitz
For Appellant

SUPPLEMENTAL

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/13/05 appealing from the Office action mailed 6/28/05 and the "order" from the Board of Appeals, 11/4/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,909,093 van Dinteren et al

6,486,793 Buccola

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, mailed 6/28/05.

(10) Response to Argument

Appellant's interpretation of van Dinteren et al is correct.

Appellant's arguments consists of : the two references are not analogous; there is no suggestion to combine the two references; the two references cannot be physically incorporated.

Regarding the first two arguments, while the two references may not be in the same field of endeavour (blinds vs. door locks) they are clearly analogous since Buccola is "reasonably pertinent to the particular problem with which the inventor was concerned", which is to conserve power. See, for example, page 2, lines 3-4, of the present specification and column 4, lines 37-45 of Buccola. One of ordinary skill in the art attempting to reduce power consumption of a blind system would look to power conserving devices in general, not merely within the blind art, and would have found Buccola. Regarding the third argument, physical incorporation of Buccola into van Dinteren et al is not proposed but merely substituting the transmitting and receiving system which controls the actuator, as proposed.

Appellant states that Buccola does not indicate "what generates the frequencies, or how the wake up frequency "prepares" the microprocessor for operation, or even that the microprocessor is deenergized until receipt of the wake up frequency". In response

Art Unit: 3634

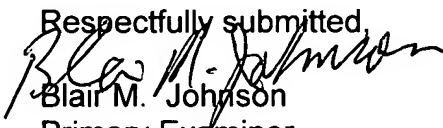
to this, a transmitter generates the signal(only one signal has been claimed) and the other two points from above are not actually claimed.

Other than this brief statement regarding the failure of Buccola to teach certain features, which actually are not recited, the structure recited verses what is taught by van Dinteren et al and Buccola is not argued but simply the propriety of combining these references. However, as pointed out above and in the final rejection, such would have been obvious for good and sufficient reasons.

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
September 13,2005

Conferees
Daniel Stodola 
Peter Cuomo 

John L. Rogitz, Esq.
ROGITZ & ASSOCIATES
750 "B" Street, Suite 3120
San Diego, CA 92101